IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6416 of 1990

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

B B ZALA

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

MR JF SHAH for Petitioner

MR SUNIL K SHAH for Respondent No. 1

M/S PATEL ADVOCATES for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/08/2000

ORAL JUDGEMENT

Heard the learned advocates.

2. The petitioner, a Female Health Worker, had in the year 1990 secured admission to a Nursing Course of

B.P.N.A of three years commencing from 1st September, 1990. With a view to joining the said nursing course, the petitioner resigned from service, however, since the concerned authority had not issued No Objection Certificate, she was not permitted to pursue the course. She, therefore, returned to her service. However, in view of the resignation tendered by her, was not permitted to join the duty. Feeling aggrieved, the petitioner has preferred the present petition.

3. Pending this petition, pursuant to the interim order dated 5th December, 1990, the petitioner was permitted to join duty on 14th December, 1990. The petitioner is thus in continuous service as a Female Health Worker since 14th December, 1990. It is not disputed that the resignation tendered by the petitioner was not accepted and before its acceptance, the petitioner has been permitted to join duty. In above view of the matter, no further order is required to be made on this petition. It is, however, submitted that on account of adamant attitude of the respondents nos. 1 & 2, the petitioner was kept out of service from 1st August, 1990 to 13th December, 1990 which may be treated as break-in service cancelling all her earlier service for the purpose of pension and other retiral benefits. The said period is, therefore, required to be regularized.

4. On the facts and in the circumstances of the case, the petition is allowed in the terms of interim order dated 5th December, 1990. For regularization of her absence from service from 1st August, 1990 to 13th December, 1990, the petitioner will make representation to the respondent no.1 within a period of four weeks from today. If the petitioner makes such representation, the respondent no. 1 will consider and decide the same in accordance with law within a period of six weeks from the date of the receipt of the representation.

5. Rule is made absolute to the aforesaid extent. Parties shall bear their own costs.

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Prakash*